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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,221	02/13/2002	Leonard J. Fabiano, III	E005.P001U1	3271
25854 7590 03/16/2009 BRYAN W. BOCKHOP, ESQ. BOCKHOP & ASSOCIATES, LLC 2375 MOSSY BRANCH DR. SNELLVILLE, GA 30078				
EXAMINER RETTA, YEHDEGA				
ART UNIT 3622		PAPER NUMBER		
MAIL DATE 03/16/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/674,221

Applicant(s)

FABIANO, III, LEONARD J.

Examiner

Yehdega Retta

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 5, 6 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 6 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/02)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This office action is in response to amendment filed January 5, 2009. Applicant amended claims 1 and 6. Claims 2-4 and 7-9 have been canceled. Claims 1, 5, 6 and 10 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

Claims 1, 5, 6 and 10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites “*for each commercial that has been aired by the presentation entity, determining with the broker platform digital computer a difference between a contracted time for the commercial to air and the time that the commercial aired; calculating with the broker platform digital computer a fee for each commercial that has been aired by the presentation entity based on the difference between the contracted time for the commercial to air and the time that the commercial aired; generating with the broker platform digital computer a consolidated invoice corresponding for a selected advertiser, the consolidated invoice including the fee for each commercial corresponding to the selected advertiser that was aired by each of the presentation entities*”. The specification does not disclose such feature. The specification also does not disclose *receiving identity of a commercial that has been aired by a presentation entity, an identification of time that the commercial aired and an identification of what advertiser is associated with the commercial.*

Regarding claim 6, the specification does not disclose a broker platform computer receiving *“for each commercial that has been aired by the presentation entity, determining with the broker platform digital computer a difference between a contracted time for the commercial to air and the time that the commercial aired; calculating a fee for each commercial that has been aired by the presentation entity based on the difference between the contracted time for the commercial to air and the time that the commercial aired; generating with the broker platform digital computer a consolidated invoice corresponding for a selected advertiser, the consolidated invoice including the fee for each commercial corresponding to the selected advertiser that was aired by each of the presentation entities”*. The specification also does not disclose receiving identity of a commercial that has been aired by a presentation entity, an identification of time that the commercial aired and an identification of what advertiser is associated with the commercial.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5, 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Virgin et al. (US 6,826,542).

Regarding claims 1 and 6, Virgin teaches receiving with a broker platform (Central Invoicing System) receiving from a plurality of presentation entities (information identifying the service (commercial aired), identification of the time (time of the service) and identifying the

advertiser (payor)) as part of the invoice information,; preparing at least one consolidated invoice corresponding to a particular advertiser and forwarding the consolidated invoice to the advertiser (abstract, col. 2 lines 37-43, col. 8 line 63 to col. 9, line 8, col. 12 lines 47-67). Virgin teaches extracting information from the invoice or customizing the invoice according to payor's preference (see col. 8 lines 1-67). Virgin does not teach, *for each commercial that has been aired by the presentation entity, determining with the broker platform digital computer a difference between a contracted time for the commercial to air and the time that the commercial aired; calculating with the broker platform digital computer a fee for each commercial that has been aired by the presentation entity based on the difference between the contracted time for the commercial to air and the time that the commercial aired*. Virgin teaches payor approving or disputing the invoice (see fig. 9, col. 13 lines 36-63). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to receive information about the commercial aired, time the commercial aired and calculate a fee each commercial that has been aired. It would have also been obvious to one of ordinary skill in the art at the time of the invention for the broker computer to verify the invoice before the invoice is sent out to the payor in order to charge the payor for only aired commercial for the intended motivation of not overcharging the payor. Virgin does not explicitly teach the payor is an advertiser. However it would have been obvious to one of ordinary skill in the art at time of the invention to know that the Virgin's central invoicing system would be used for advertisers' invoices, since the system allows any invoicer to enroll in the central billing system.

Regarding claim 5, Virgin teaches extracting relevant information from the invoice information from plurality of entities transforming the relevant information into a common

document model; storing the transformed information and retrieving information from the database and outputting at least some of the information in the invoice for forwarding to the advertiser (payor) (see col. 12 lines 47-67).

Regarding claim 10, Virgin teaches parsing invoice information from plurality of presentation entities; transforming the relevant information into common document model; database for storing the information from the common document model and retrieving information from the database and output at least some of the information in a standard invoice form (see col. 12 lines 47-67).

Response to Arguments

Applicant's arguments with respect to claims 1, 5, 6 and 10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YR
/Yehdega Retta/
Primary Examiner, Art Unit 3622